

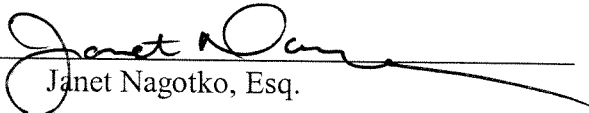
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Attorneys for Plaintiff,
Guardian Insurance & Annuity Company, Inc.

By:


Janet Nagotko, Esq.

**GUARDIAN INSURANCE
& ANNUITY COMPANY, INC.,**

Plaintiff,

vs.

**THE ESTATE OF SANDRA J.
FLOURNEY, DONNA MILLER,
EXECUTRIX OF THE ESTATE OF
SANDRA J. FLOURNEY, and
DWAYNE FLOURNEY,**

Defendants.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Civil Action No.: 2:12-cv-05178-JLL-MAH

**CIVIL ACTION – DEFAULT JUDGMENT IN FAVOR OF GUARDIAN INSURANCE &
ANNUITY COMPANY, INC., AGAINST DWAYNE FLOURNEY**

THIS MATTER, having been opened to the Court upon application of McElroy, Deutsch, Mulvaney & Carpenter, LLP, counsel for plaintiff, Guardian Insurance & Annuity Company, Inc., (“Guardian”) and upon notice to defendant Dwayne Flourney (“Dwayne”) having failed to answer or otherwise respond to plaintiff’s complaint; and as entry of default was filed by the clerk of this Court against defendant on November 15, 2012; and the Court having reviewed all pleadings and proceedings in this matter to date, and the Court being fully informed; *and no opposition having been filed with respect to the instant motion,*

It is on this 3 day of January, 2013;

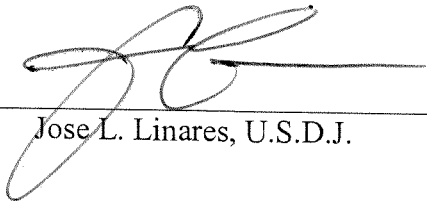
ORDERED, ADJUDGED AND DECREED that defendant Dwayne having failed to respond to either the complaint or the instant motion in a timely manner, and the Clerk having entered default against him pursuant to Fed. R. Civ. P. Rule 55(a) on November 15, 2012, the Court hereby grants default judgment pursuant to Fed. R. Civ. P. 55(b)(2) in favor of plaintiff, Guardian and against defendant, Dwayne; and it is further

ORDERED ADJUDGED AND DECREED that Guardian shall be wholly and completely discharged and absolved from any further liability, of whatsoever nature, as it may have to defendant Dwayne in this action arising out of the death of Sandra J. Flourney ("Decedent") and the benefits payable as a consequence thereunder pursuant to annuity contract number 210200570 (the "Contract"); and it is further

ORDERED, ADJUDGED AND DECREED that Guardian and its employees, agents, officers, directors, shareholders, attorneys, parent and affiliated corporations, predecessors and successors-in-interest, subsidiaries and assigns are released and discharged from any and all liability, suits, debts, judgments, dues, sums and/or cause of action, whether at law or in equity, to Dwayne or otherwise for any and all life insurance benefits arising under and pursuant to the Contract on account of death of Decedent; and it is further;

ORDERED, ADJUDGED AND DECREED that Dwayne is permanently restrained and enjoined from instituting and/or prosecuting any other suit, cause of action or civil proceeding in any state, federal or other court of competent jurisdiction against Guardian seeking life insurance benefits or asserting damage claims arising under the Contract, on account of the death of the Decedent; and it is further

ORDERED, ADJUDGED AND DECREED that a copy of this Order and Judgment shall be served upon all parties within seven (7) days of receipt thereof.



Jose L. Linares, U.S.D.J.

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